

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 1, 2005

**D043585        San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al.**

Judgment affirmed. Appellants to bear respondents' costs on appeal. Haller, J.; We Concur: McDonald, J., McIntyre, J.

**D045342        In re S.W., a Juvenile**

The opinion filed July 6, 2005, is ordered certified for publication.

**D045948        Jeld-Wen Inc., et al. v. Superior Court of San Diego County/Keener et al.**

Let a writ of mandate issue ordering the superior court to: (1) vacate that portion of its order denying Jeld-Wen/Summit's motion for summary adjudication, and (2) enter a new order granting Jeld-Wen/Summit's motion for summary adjudication on the negligent entrustment theory. In all other respects the petition is denied. The stay previously issued is vacated. The parties shall bear their own costs in this writ proceeding. CERTIFIED FOR PUBLICATION Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

**D046862        In re Consiglio on Habeas Corpus**

The petition is denied.

**D046429        In re the Marriage of Christina and Robert Fuesler**

The petition is denied.

**D046898        People v. Cole**

The notice of appeal in this matter is premature because no judgment of conviction has been entered by the superior court. The appeal is dismissed without prejudice to refile a notice of appeal after a judgment has been entered.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 2, 2005

**D044688        People v. Manzano**

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

**D046217        Tony C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. McIntyre, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D045519        People v. Watts**

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., McIntyre, J.

**D045825        In re Francisca B., a Juvenile**

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Haller, J.

**D046602        Redevelopment Agency of the City of San Diego v. Superior Court of San Diego County/Rite Aid Corp.**

The petition is denied.

**D045024        People v. Mendiola**

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., Irion, J.

**D046639        In re William Judge on Habeas Corpus**

The petition is denied.

**D046644        Poynter v. Superior Court of San Diego County/People**

The petition is denied.

**D046725        Joseph G. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Samantha P. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed. The case as to Samantha P. is dismissed.

**D044781        Pender v. Norbert Waldenmayer et al.**

The judgment is reversed and the matter is remanded for retrial on Pender's breach of contract and breach of the implied covenant of good faith and fair dealing causes of action. Pender is entitled to recover her costs on appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D044401        Pender v. Cypress/Avalon et al.**

The judgment is affirmed. The defendants are entitled to recover their costs on appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D046897        People v. Sharma**

The appeal filed on July 26, 2005 is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 2, 2005 (Continued)

**D045810          Blunt v. Pusheck et al.**

Upon written request filed by the appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

**D046618          San Diego Gas & Electric Company et al. v. Superior Court of San Diego  
County/Continental Forge Company et al.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 3, 2005

**D045402        In re Joshua R., a Juvenile**

The juvenile court orders are affirmed with the exception of the requirement that Joshua pay \$1,198.50 in restitution. The probation condition ordering restitution is modified to require that Joshua pay \$165.08 in restitution. Aaron, J.; We Concur: McConnell, P.J., McDonald, J.

**D046683        Miller et al. v. Superior Court of San Diego County/Barnett**

The petition is denied.

**D045640        People v. Chakiris**

The judgment is affirmed. McConnell, P.J.; We Concur: Aaron, J., Irion, J.

**D045688        People v. Trent**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., Aaron, J.

**D045775        Charlene J. etc. et al. v. Superior Court of San Diego County/San Diego Unified School District**

Let a writ of mandate issue ordering the superior court to: (1) vacate its orders sustaining the demurrer as to the School District without leave to amend and denying reconsideration, and (2) enter new orders granting reconsideration, overruling the demurrer, and allowing such further proceedings as may be appropriate. The stay previously issued is vacated. The District shall pay all costs in this writ proceeding. Huffman, J.; We Concur: McConnell, P.J., Haller, J.

**D045369        People v. Swanson**

The judgment is affirmed. McDonald, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

**D046649        In re Alyssa O., a Juvenile**

Appellant's unopposed "Request to Augment the Record on Appeal with Additional Evidence and Motion to Dismiss Appeal as Moot" is granted. It is ordered that the document attached to the motion to augment filed on August 1, 2005 is deemed part of the record on appeal. Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20 (c)(s)).

**D046908        Francisco L., a Minor v. Superior Court of San Diego County/Salzetti**

At the request of petitioner, the petition for writ of mandate is dismissed.

**D046630        Chiles Development, Inc. v. Superior Court of San Diego County/Amco Insurance Company**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 4, 2005

**D043926        Bank of America v. Williams**

The judgment is reversed. BofA is entitled to costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

**D046647        In re Kelly on Habeas Corpus**

The petition is denied.

**D045722        In re Cami B., a Juvenile**

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D046919        People v. Superior Court of San Diego County/Vasquez**

The petition is denied.

**D046151        People v. Dmitriy L., a Minor**

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
August 5, 2005

**D045331      Carnohan v. Home Depot U.S.A., Inc.**

We affirm the order and award costs of appeal to Home Depot. McConnell, P.J.; We Concur: O'Rourke, J., Irion, J.

**D045815      In re Angel B., a Juvenile**

Judgment affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

**D046866      Advanced Marketing Services Inc., v. Superior Court of San Diego County/Federal Insurance Co.**

For good cause shown, the Superior Court is ordered to show cause why the relief requested in the petition should not be granted. Absent objection on or before August 12, 2005, the informal response will be deemed the return to the Order to Show Cause, and petitioner may file a reply on or before August 22, 2005. Oral argument will be deemed waived unless requested in writing on or before August 25, 2005. The Superior Court order filed on June 17, 2005, is stayed pending further order of this court.